

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/21/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
WHITESTONE CONSTRUCTION CORP.,	:	
	:	
Plaintiff,	:	
-against-	:	1:20-cv-1006-GHW
	:	
YUANDA USA CORPORATION,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----X	:	

GREGORY H. WOODS, United States District Judge:


On December 21, 2020, the Court held a teleconference to discuss Defendant's motion for judgment on the pleadings, Dkt. No. 64, and Plaintiff's motion for summary judgment, Dkt. No. 72. For the reasons stated on the record during that conference, Defendant's motion for judgment on the pleadings is denied, and Plaintiff's motion for summary judgment is denied without prejudice.

Defendant's request for leave to amend its answer to include failure of a condition precedent as an affirmative defense, is granted. Defendant is directed to submit its amended answer no later than January 8, 2021.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 64 and 72.

SO ORDERED.

Dated: December 21, 2020


 GREGORY H. WOODS
 United States District Judge